

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. _____
)	
v.)	
)	
JOHN DOE subscriber assigned IP)	
Address 67.167.146.78,)	
)	
Defendant.)	
_____)	

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Law in support of this motion; (2) Declaration of Colette Pelissier in support of this motion; (3) Declaration of Patrick Paige in support of this motion; and (4) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Comcast Cable, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Respectfully submitted,

**BOROJA, BERNIER &
ASSOCIATES PLLC**

/s/ Joel A. Bernier

By: JOEL A. BERNIER (P74226)

49139 Schoenherr Rd.

Shelby Township, MI 48315

T: 586-991-7611

F: 586-991-7612

Email: Bbclawgroup@gmail.com

Attorney for Plaintiff

CERTIFICATE OF COMPLIANCE

Pursuant to E. D. Mich. LR 5.1(a) I hereby certify that the foregoing has been prepared using one of the font and point selections approved by the Court in E. D. Mich. LR 5.1(a)(3). This document was prepared using Times New Roman (14 pt.).

/s/ Joel A. Bernier

By: JOEL A. BERNIER (P74226)